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C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 003843

SIPDIS

E.O. 12958: DECL: 04/18/2025

TAGS: PHUM PTER CO

SUBJECT: FISCALIA CONTINUES ITS INVESTIGATION INTO URABA
MASSACRE

REF: A. BOGOTA 3361

B. BOGOTA 3224

C. BOGOTA 2674

D. BOGOTA 2619

E. BOGOTA 2348

F. BOGOTA 2156

G. BOGOTA 1999

H. BOGOTA 1918

Classified By: Ambassador William B. Wood Reasons 1.4 (b) and (d)

Summary

1. (C) On April 18, Poloffs met with Fiscalia Human Rights Unit prosecutor Nelson Casas, who is leading the investigation into the February 21 massacre in Uraba of eight individuals, including three members of the peace community of San Jose de Apartado. Casas told Poloffs that investigators have been able to confirm that the house where five of the individuals were killed came under mortar attack, and that Luis Eduardo Guerra, the slain peace community leader, had been disillusioned and was planning to leave the community. Casas noted that the lack of cooperation from alleged peace community witnesses continues to hinder the investigation. End Summary.

Perpetrators Remain Unidentified

2. (C) On April 18, Poloffs met with Nelson Casas, the prosecutor from the Human Rights Unit of the Prosecutor General's Office ("Fiscalia") in Bogota who is leading the investigation into the February 21 massacre of eight individuals -- including three members of the peace community of San Jose de Apartado -- in Uraba, Antioquia Department. Casas had just returned from two weeks in Apartado, his second visit to the region since the massacre. He had previously been there March 1-4 and was part of the investigative commission that was attacked, allegedly by the Revolutionary Armed Forces of Colombia (FARC) (ref F).

3. (C) Casas confirmed to Poloffs that members of the peace community, under the direction of their leaders and the community's accompanying NGO, the "Corporacion Juridica Libertad" (CJL), continue to refuse to cooperate with government investigators. An example of this lack of cooperation occurred the week of April 4, when his team tried unsuccessfully to speak to peace community leaders, including Sister Clara Lagos. Casas noted that without the testimony of the alleged witnesses to the crime it will be difficult to determine the perpetrators, because the FARC, paramilitaries, and Colombian military all operate in the area. Still, Casas and the four investigators working with him on the case, two from the Fiscalia's Corps of Technical Investigators (CTI) and two from the Judicial and Investigative Police (DIJIN), continue their investigation. Casas told Poloffs he has reiterated the need for the investigators to be completely neutral in their investigation and rely only on the facts, wherever they may lead.

Luis Eduardo Guerra Had Talked to Fiscalia

4. (C) Casas told Poloffs he had spoken to Luis Eduardo Guerra, the peace community leader murdered in the massacre, a few months prior to his death. Guerra, who participated in founding the peace community in 1997, told him things "were not well" in the peace community and that he had decided to leave it. Casas also said Guerra had filed a complaint ("denuncia") against various members of the community, including Gildardo Tuberquia, a member of the Internal Council, the community's governing body. The complaint was lodged following an August 2004 incident in which Guerra's wife was killed and son injured when a grenade, allegedly brought by Tuberquia in advance of Vice-President Francisco Santos's August 13 visit, exploded in their home.

5. (C) Poloffs noted that Father Javier Giraldo, founder of the Jesuit-affiliated "Commission de Justicia y Paz," claimed on his website that he had personally spoken with ten witnesses who could prove the military committed this crime.

Casas was unaware of the website, but added he hoped the witnesses would come forward. Poloffs added that the peace community had brought "Myriam," Luis Eduardo Guerra's mother to Bogota to meet with various Embassies (ref D). Casas had not heard the allegations that "Myriam" had been held captive in her home by members of the 17th Brigade, and told Poloffs he had thought Guerra's mother was deceased. Casas said he is considering recourse to something similar to a material witness warrant, which would oblige witnesses to come forward or face charges of contempt.

Investigators Discover Mortar Launched at House

16. (C) Casas said investigators discovered remnants of a mortar shell in and around the home where five of the victims died. Preliminary analysis of damage to the area suggests that the projectile detonated on a tree next to the home, sending shell fragments in all directions. A large piece of the shell was found lodged in the skull of Sandra Milena Munoz, and was almost certainly the cause of her death. Based on shell fragments, the Fiscalia has identified the weapon fired at the house as a 60mm shell, a caliber used by all of Colombia's armed actors. The shell, however, appears not to have been manufactured by INDUMIL, the Colombian military's only supplier of 60mm shells. Remnants of a second type of mortar shell, which the Fiscalia has not been able to identify, were also found in the house. In addition, evidence shows that gunshots were fired, as bullet holes and shells were discovered in the house and around the property. Casas described the home as completely isolated and surrounded by jungle (much of this area is covered with dense tropical vegetation at ground level), and said it would have been hidden to anyone not already aware of its location. Department of Justice representatives at post have offered their assistance in the investigation, and are in contact with Casas about how they can help.

Comment

17. (C) Peace community leaders and NGO representatives, quoting alleged witnesses, never mentioned a mortar attack, or even gunfire. In fact, per ref D, peace community leader Reynaldo David told Ambassador that the peace community had witnesses who heard masked informants, in the company of Army troops, say the Army should only kill with machetes to avoid alerting residents in the area.
WOOD